



State of Tennessee Department of Children's Services

## **Administrative Policies and Procedures: 16.31 BA**

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**Subject:**           **Permanency Planning For Children/Youth in  
Department of Children's Services Custody**

**Supersedes:** DCS 16.31 BA, 05/01/03

**Local Policy:** No

**Local Procedures:** No

**Training Required:** No

**Applicable Practice Model Standard(s):** Yes

**Approved by:**

**Effective date:**    **05/01/03**

**Revision date:**    **04/01/05**

### **Application**

To All Department of Children's Services Employees

### **Authority:**

TCA 37-2-403; 37-5-106; 37-2-409(b) (1) 4-17-02 Amendment; 37-1-166(a) (4); 36-1-102 (9)

### **Policy**

All children/youth in the custody of the Department of Children's Services shall have a written permanency plan. The permanency plan is required for children/youth under 18 years old if adjudicated dependent/ neglected or unruly, or under 19 years old if adjudicated delinquent.

All permanency plans will be developed in the context of a child and family team meeting (CFTM) and to the extent possible, will reflect the consensus of the meeting's participants, while still meeting the Department's responsibility to assure safety, permanency, and well-being. The permanency plan shall establish realistic goals for the family, the child/youth, and the Department necessary to achieve permanency in a time limited manner, while supporting or building permanent connections to responsible adults for children/youth.

## **Procedures**

### **A. Development of a Permanency Plan**

1. The purpose of the permanency plan is to ensure that the child/youth's needs are met while s/he is temporarily in the custody of the Department of Children's Services and that s/he is safely and permanently placed in the care of a family in a timely manner.
2. Prior to a permanency plan CFTM, the Department's assessment protocol shall be completed. The results of the assessment shall be used to assist the participants in the CFTM in determining an appropriate plan of intervention with the child/youth and his/her family.
3. The permanency plan shall include all necessary actions to be completed by the parents, child/youth and/or the Department to facilitate the child/youth achieving his or her permanency goal.
4. The permanency plan **must** be developed with the participants at the time of the CFTM. The plan may be handwritten, but is considered complete at the conclusion of the CFTM. Changes or alterations to the permanency plan can only be made by convening another permanency plan CFTM or by court order at the ratification hearing

### **B. Scheduling and timeframes**

1. Every effort shall be made to schedule the CFTM by talking with all parties and agreeing on a time for the meeting as quickly as possible. Staff will be available to participate in CFTM's at times that support the birth family and resource families, even if this falls outside of the traditional workday hours. Whenever possible, staff should schedule the initial permanency plan CFTM at the end of the initial CFTM.
2. For all CFTM's, if not scheduled by agreement, notice to the parties to the case and to the resource parents must be given at least seven (7) days in advance of the CFTM if the scheduling is done by telephone and ten (10) days in advance if notice is by certified mail. The case manager should document all contacts for scheduling the child and family team meeting in TNKids case recordings.
3. The initial permanency plan CFTM shall be held within fifteen (15) working days of a child/youth's placement in custody, even if all persons cannot be present. Letters and telephone participation should be encouraged for those parties not able to physically attend. The permanency plan

shall be completed within thirty (30) calendar days of the date the child/youth enters DCS custody.

4. The Juvenile Court of Venue shall review and approve all permanency plans (unless the youth is placed in a YDC; when a youth steps down to a placement, court reviews begin). A DCS attorney shall file a motion for a hearing for ratification or approval of the plan and shall provide notice as required by law to all parties. The original permanency plan is filed with the Court and copies are retained for the DCS file. Parties required to receive notice shall be advised by the case manager at least seven (7) days in advance if notice is by telephone, and at least ten (10) days in advance if notice is by certified mail, of the date the plan is to be presented to the Court. If the parents or other legal custodians disagree with the plan, they shall have the right to present their concerns about the plan to the Court. Documentation of notifications must be included in the case record.

#### **C. Participation**

1. Child/Youth-participation is mandatory if child/youth is 12 years of age or older.
  - a) Consideration must be given to safety and emotional issues as they relate to having parents and children/youth together at the permanency plan CFTM. Staff shall assess this issue on a case-by-case basis and provide alternative means of participation if the child/youth's best interest warrants their exclusion.
  - b) Younger children, as appropriate, should be included for part, if not all of the CFTM.
  - c) Particular attention shall be paid to the wants and desires of the older youth when identifying permanency plan tasks and goals. While the Department is ultimately responsible for the decision made in the CFTM, involving them in decision-making is crucial to achieving positive outcomes.
2. Parents-Unless a parent's rights have been terminated or surrendered, the Department must include all known parents, including legal, biological and alleged fathers, in the permanency planning process. The family may identify and invite outside resources, such as extended family members and other support persons, to help and support them throughout their involvement with the Department.
  - a) The Department must conduct a diligent search

throughout the life of the case if there are any unidentified parents or the Department does not know their whereabouts. Efforts to locate parents should be clearly documented in the case record.

- b) The incarcerated parent must be included in the development of the permanency plan. They must be encouraged to participate in the plan and meet their parental responsibilities, including, but not limited to, corresponding with the Department and the child/youth, contributing to the child/youth's support, participating in available services to assure safety, permanency and well-being and helping to formulate a realistic plan for the child/youth's care.
- 3. Child's Case Manager-Regardless of who facilitates any CFTM, the child's assigned case manager must be in attendance.
- 4. The permanency plan CFTM shall also involve:
  - a) Former Legal Custodian-If the child was in the legal custody of an individual other than a parent at the time the Department was awarded custody, the former legal custodian shall also be included in the permanency plan CFTM. Their involvement in the child's permanency should be determined.
  - b) Resource Parents-resource parents, with DCS or a contract agency, are crucial members of the child and family team. Every effort should be made to ensure their full participation in planning for permanency.
  - c) Specialized DCS staff persons, as needed, shall be included to support the work of the child and family team. These may include, but are not limited to, Full-Time Facilitators, Education Specialists, Health Unit Members, Juvenile Justice Staff, DCS Legal Staff, and Adoption Liaisons.
  - d) Therapists and/or contract agency staff involved in providing services to the child/youth, family, and/or other identified permanency option.
  - e) Court Appointed Special Advocate (CASA) Volunteer
  - f) Community Partners-include support persons to the family identified by the Department. Their involvement is subject to the parent(s) consent.
  - g) Attorneys-including guardian ad litem and the attorney

for the child/youth's parents.

h) Interpreter, as needed

**D. Permanency  
Goals considered  
for the  
Child/Youth**

1. **Return to Parent** is the preferred goal, if the conditions that led to the removal can be remedied and it is safe for the child/youth to return to the home. The goal of return to parent is to be utilized when the parent(s) is/are working to remedy the issue(s) that led to the removal of the child/youth.
  - a) Return to parent is typically the permanency goal of choice, as it respects the parents' rights as well as the parent/child connections and bonds. Under certain defined circumstances, reasonable efforts to reunify the child/youth with their parent(s) are not required. The defined circumstances are outlined in section F of this policy.
  - b) The goal of return to parent may not be continued if the child/youth has been in the custody of the Department for 12 months or more. The child and family team should identify another appropriate permanency goal whenever appropriate, but absolutely no later than 12 months from the child's entry into the Department's custody.
2. **Exit Custody to Live with Relative** is to be utilized when the child/youth is unable to return to the parent(s) and they will achieve permanency through a legal relationship with a relative. Relatives should be fully informed of the other permanency options for children in their care, including adoption, and the legal and financial benefits and ramifications of each permanency option. The Department staff should be prepared to support the permanency option preferred by the relative caregiver.
3. **Adoption** is to be utilized when a child/youth is unable to return to the parent(s) and permanency through the creation of a new legal parental relationship is in the child/youth's best interest. There may be no willing and appropriate relatives for the child to exit custody to, or adoption may be the permanency option preferred by the relative caregiver. In no way does the termination or voluntary surrender of parental rights preclude the possibility of relative adoption. When considering the goal of adoption, the child and family team should consider the child/youth's best interests as well as his/her views regarding adoption. The case manager shall also consult

with the DCS attorney to ensure legal grounds exist to terminate parental rights and/or to properly attain the voluntary surrender of parental rights.

- ◆ Upon identifying a sole permanency goal of adoption, efforts must begin to free the child/youth for adoptive placement and to recruit and locate an appropriate adoptive family. This must occur without delay, even if the goal is changed to adoption prior to the filing of the petition to terminate parental rights.

4. **Planned Permanent Living Arrangement (PPLA)** is only appropriate in very rare circumstances, as this goal does not support the child/youth's need for permanency. Staff shall not take a permanency plan with a new sole or concurrent goal of PPLA (nor a recommendation to change to such a goal) to the Foster Care Review Board or to Court until the Commissioner or his/her designee has approved it. Requests for consideration of a sole or concurrent goal of PPLA shall be submitted to the Commissioner through the Director of Permanency Planning.
5. **Concurrent Planning** is the identification and active pursuit of more than one permanency goal. This may be appropriate for expediting the achievement of permanency for the child/youth. The use of concurrent goals is described in *DCS policy 16.41, Concurrent Planning*

**E. Reasonable effort  
not required**

1. The DCS lawyer will be immediately consulted if the case manager believes that reasonable efforts may not be required. The consultation with the DCS lawyer is critical before deciding that reasonable efforts are not required. Not only do the facts supporting the decision not to make reasonable efforts have to be carefully explored, but also the Court findings on the defined felonies. If the decision is made not to make reasonable efforts, then a motion must be filed with the juvenile court and an order obtained that reasonable efforts are not required. If reasonable efforts are not required, there must be a permanency hearing within thirty (30) days. If the permanency hearing triggers the filing of a petition to terminate, DCS must file the petition immediately.
  - a) Reasonable efforts are not required when a Court of competent jurisdiction has found that certain defined felonies have been committed against the child/youth or another child/youth of the parents. *TCA 37-1-166 (a) (4)* lists those felonies: murder of any sibling or half-sibling or other children/youth in the home; aided or

abetted to commit murder or manslaughter on the child/youth, sibling or other child/youth in the home; felony assault that resulted in serious bodily injury to the child/youth, siblings, half siblings or other child/youth in the home.

- b) Reasonable efforts are also not required if the parental rights of the parent to a sibling or half-sibling have been involuntarily terminated.
  - c) Reasonable efforts do not have to be made if the parent has subjected the child/youth who is the subject of the petition or any sibling, half-sibling or other child/youth residing in the home to aggravated circumstances defined in *TCA 36-1-102 (9)*---(abandonment, abandonment of an infant, aggravated assault, aggravated kidnapping, especially aggravated kidnapping, aggravated child/youth abuse and neglect, aggravated sexual exploitation of a minor, especially aggravated sexual exploitation of a minor, aggravated rape, rape, rape of a child/youth, incest or severe child abuse. If there has been an abandonment or severe child abuse or any of the above felonies committed, DCS must carefully consider if there are compelling reasons to make reasonable efforts to reunite this child/youth with the offender.
2. Other instances when it is reasonable to make no effort to reunify the child/youth and parent.
- a) In addition to the above statutory exceptions to reasonable efforts, there are some cases where, after an assessment of the facts and the family situation, DCS may take the position that returning the child to the parent will never be appropriate. For instance, in a severe child abuse case, an assessment of the injuries, circumstances and family constellation may result in the determination that the only viable permanency goal is adoption. It may be reasonable to make no effort to reunify the child/youth and family. After DCS has made that decision and established the goal of adoption, the Court must determine (within thirty (30) days of the decision) that the Department's assessment and decision are accurate and that the actions were appropriate.
  - b) If the Court agrees with the decision, then the Court would find that the Department's efforts up to that point were reasonable (not that reasonable efforts were not required). If this were the finding, DCS would then proceed with termination of parental rights.

**F. Documentation**

1. All permanency plans shall contain specific information about:
  - a) How a child/youth's permanency goal will be achieved,
  - b) What services are necessary to make the accomplishment of the goal likely,
  - c) Who is responsible for the provision of those services,
  - d) When the services will be provided,
  - e) The date by which the permanency plan is likely to be achieved
2. Major treatment issues for the child/youth and family (safety issues identified in the child protective services investigation, drug treatment, sexual offense victim or sex offender treatment, special education, domestic violence, etc.) that are identified during the assessment process shall also be noted in the permanency plan along with activities necessary to address the issues that brought the child/youth into care.
  - a) The permanency plan shall have clearly specified time frames for completion of activities.
  - b) Specific tasks listed on the permanency plan shall include observable or measurable outcomes, as well as the names of the persons responsible for completion of each task. This is to include responsibilities of the family and of the Department in provision of services and monitoring progress, as well as the child/youth in regard to his/her issues of safety, permanency and well-being.
  - c) Documentation required by Federal law to be included in the permanency plan includes the following:
    - ◆ Efforts made by the Department to prevent removal of the child/youth and placement into custody.
    - ◆ A description of the type of placement and plan for assuring that the child/youth receives safe and proper care in the least restrictive, most family like setting appropriate, in close proximity to the parents' home, consistent with the best interest and individual needs of the child/youth.



- ◆ A discussion of the safety and appropriateness of the placement.
- ◆ To the extent available and accessible, the health and education records of the child/youth.
- ◆ For a child/youth age 14 or above, the plan must also include a written description of the services that will help the child/youth prepare for independence. These services must be age and circumstance appropriate.
- ◆ For all children/youth, the plan must document the steps the Department is taking to achieve permanency for the child/youth. These steps should support the achievement of the permanency goal.

**G. Permanency Plan Revisions**

1. All significant revisions of the permanency plan (including change in goal, adding a relevant party such as a parent or resource family, addressing a newly disclosed need on the part of the child/youth or parent/former legal custodian) shall be the responsibility of the assigned case manager and shall be completed within the context of a CFTM and should involve all significant individuals as outlined above in this policy.
2. Significant plan revisions may be made at any time and should be made when new issues hindering the accomplishment of the permanency goal(s) are identified, when there is a change in the permanency goal(s), when there must be a change in the time frame/target dates, or when there is a need for changes in services or treatment for the child/youth or family. A change in the child/ youth's placement (or in the needed level of care) may not necessitate a change in the permanency plan.
3. Permanency plans shall be updated no less often than annually. Permanency plans must be reviewed through the quarterly progress review process (see DCS policy [16.32, Foster Care Review and Quarterly Progress Reports](#)).
4. As with the original plan, the revised plan must be presented to the court of venue in a hearing and approved by the court. A parent or other legal custodian who did not agree with the revised plan shall have the right to present their concerns about the revised plan to the Court of venue

during the hearing.

**H. Role of the DCS attorney in permanency planning**

1. DCS attorneys will be notified and may be invited to participate in permanency planning CFTM's. In cases where the DCS attorney does not participate, legal consultation should be sought by the case manager prior to the CFTM.
2. A DCS attorney shall review all permanency plans prior to submission to the court, to ensure that child/youth and family issues, services, and placement issues necessary to establish reasonable efforts findings at the initial and later court hearings are addressed.
3. If the content is found to be insufficient or the goal inconsistent with early permanency, the attorney shall consult with the case manager and team leader. Any changes to the permanency plan shall be made by reconvening a meeting of the child and family team.
4. A DCS attorney is responsible for presenting the completed permanency to the Court of venue for approval by the court.

**I. Documentation**

1. The participants in the CFTM should receive a copy of the permanency plan.
2. All permanency plan information and dates shall be entered into TNKids within three (3) working days of the completion of the CFTM where the plan is developed or revised. The permanency plan CFTM shall also be recorded in TNKids.

**Forms**

CS-0577 Permanency Plan

CS-0387 Staffing Participants

CS-0230 Staffing Summary and Placement Justification

**Collateral Documents**

None

## **Standards**

DCS Practice Model Standard-5-201  
DCS Practice Model Standard-5-202  
DCS Practice Model Standard-5-203  
DCS Practice Model Standard-5-204  
DCS Practice Model Standard-5-401  
DCS Practice Model Standard-5-402  
DCS Practice Model Standard-5-500  
DCS Practice Model Standard-6-507B

## **Glossary**

<b><i>Term</i></b>	<b><i>Definition</i></b>
<b><i>Child and Family Team Meeting (CFTM):</i></b>	CFTM is a philosophy that supports making the best possible decision in child-welfare cases. The quality of decision making is improved because CFTM includes all of the parties involved in a child's case (child-if age appropriate, birth parents and their support system, resource parents, DCS staff, community partners and other involved parties), respecting the expertise that each party brings to the table. CFTM's should be characterized by respect, honesty, inclusiveness and work towards building consensus in decision-making.
<b><i>Full-time Facilitator:</i></b>	DCS Employee who's full-time role at the agency is the facilitation of Child& Family Team Meetings and the coaching and mentoring of staff in their professional development on CFTM. The full-time facilitator has completed the core curriculum on Child & Family Team Meetings, the advanced curriculum on facilitating Child & Family Team Meetings, passed the skills based competency exam and met the minimum threshold for competency on their structured observations.